

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTHA WANGARI,

Plaintiff,

v.

INTEGRATED LIVING SERVICES,

Defendant.

CASE NO. C12-1066 RAJ

ORDER

This matter comes before the court on plaintiff Martha Wangari's fourth motion for court-appointed counsel. Dkt. # 49. On August 24, 2012, in response to plaintiff's first motion to appoint counsel, the court referred plaintiff's motion to the pro bono screening committee. Dkt. # 10. The screening committee recommended appointment of counsel, but the court was unable to locate counsel who would agree to represent plaintiff throughout the entirety of her case. However, the court believed that the interest of justice would be served if pro bono counsel was appointed for the limited purpose of conducting early ADR procedure, and appointed counsel for that purpose. Dkt. ## 11-12. Mediation was ultimately unsuccessful, and the court terminated pro bono counsel's representation. Dkt. # 23.

1 On June 5, 2013, the court denied plaintiff's second request for pro bono counsel  
2 because the court was previously unable to locate counsel to represent plaintiff for the  
3 entirety of her case, and early ADR proceedings with representation of counsel was  
4 unsuccessful. Dkt. # 29. The court made the same finding on Ms. Wangari's third  
5 request. Dkt. # 39. On February 6, 2014, the court denied plaintiff's request for a  
6 continuance to obtain an attorney. Dkt. # 44. In all of plaintiff's requests for attorney,  
7 she has not once explained her efforts to obtain counsel and over what period of time.  
8 The court is not seeking any communications she has had with counsel, only an  
9 explanation of her efforts to obtain counsel. In the pending motion, she has listed names  
10 and numbers of various attorneys that she has contacted, but fails to follow the directions  
11 to explain her efforts in contacting these individuals and over what period of time.  
12 Additionally, Ms. Wangari has not explained how circumstances have changed since the  
13 court appointed pro bono counsel, which ultimately led to an unsuccessful mediation.

14 The court understands that Ms. Wangari's deposition is scheduled for February 18,  
15 2014. Failure to appear for a deposition or otherwise respond to legitimate discovery  
16 requests may result in consequences adverse to plaintiff's case, including monetary  
17 sanctions, dismissal of her case, and/or attorney's fees for any motions to compel that  
18 defendant may file to compel her attendance. Local Rules W.D. Wash. CR 11. Waiting  
19 for the court to rule on a pending motion, particularly where the court has previously  
20 denied such requests several times, is not a legitimate reason to fail to appear at a  
21 deposition.

22 The court again refers plaintiff to the court's website that includes, among other  
23 things, a *pro se* guide. See <http://www.wawd.uscourts.gov/pro-se>. Also available on the  
24 court's website is a link to the Federal Rules of Civil Procedure and this District's Local  
25 Rules. See <http://www.wawd.uscourts.gov/local-rules-and-orders>.

26 For all the foregoing reasons, plaintiff's fourth motion for court-appointed counsel  
27 is DENIED. The Clerk is DIRECTED to mail a copy of this order to plaintiff.

1 Dated this 13th day of February, 2014.

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5 The Honorable Richard A. Jones  
6 United States District Judge  
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